



11-27-02

1635/4

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application: Kenneth S. Zuckerman, et al.

Serial No.: 09/744,875

Group Art Unit: 1635

#11/K.T.  
12/6

Filed: 04/30/01

Examiner: Schmidt, Mary M. *ELECT.*

For: METHOD FOR THE MODULATION OF  
FUNCTION OF TRANSCRIPTION FACTORS

W/E.O.T.  
(1)

Attorney Docket No: 0152.00393

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RESPONSE

Assistant Commissioner for Patents  
Washington, D.C. 20231

Dear Sir:

This is in response to the Office Action dated September 25, 2002, Paper Number 10. Applicant hereby petitions for a one-month extension of time within which to respond to the outstanding Office Action. Granting the petition would extend the time for filing the Response to November 25, 2002. The appropriate petition fee of \$55.00 is enclosed herewith.

Restriction to one of the following Groups was required under 35 USC §121:

I. Claims 1-3 and 6-20, drawn to methods including administering oligonucleotides including those having a TTCNNNGAA, TTCCCCGAA motif, and instant SEQ ID NO: 2 that inhibit a STAT5 transcription factor.

II. Claims 1-3, 6-13, and 15-20, drawn to methods including administering oligonucleotides including those having a TTCNNNGAA, and instant SEQ ID NO: 1 that inhibit a STAT5 transcription factor.

III. Claims 1-3, 6-13, and 15-20, drawn to methods including administering oligonucleotides including those having a TTCNNNGAA, and

instant SEQ ID NO: 3 that inhibit a STAT5 transcription factor.

IV. Claims 1, 2, 4, 6-12, and 16-20, drawn to methods including administering oligonucleotides inhibit a NF Kappa B transcription factor.

V. Claims 1-3, 6-12, and 16-20, drawn to methods including administering oligonucleotides that inhibit a transcription factor other than STAT5 or NF Kappa B.

Applicants provisionally elect Group II, claims 1-3, 6-13 and 15-20, for prosecution purposes, with traverse. Applicants hereby conditionally withdraw claims 4-5 and 14 from prosecution, without prejudice, and request reconsideration of the restriction requirement.

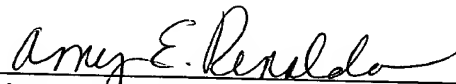
Applicants traverse the restriction requirement based on the following grounds. It is respectfully submitted that the restriction requirement practice was established to promote efficiency of prosecution in the Patent Office. All of the groups of claims relate to methods including administering oligonucleotides to inhibit a transcription factor, and moreover, all are classified in the same class. The only difference between the groups is that different factors are being inhibited. The search required for one group would therefore necessarily be the same search required for the other groups because all of the groups are directed to methods including administering oligonucleotides to inhibit transcription factors. Since there is a great amount of cross-classification amongst the sub-classes in this class, it is respectfully submitted that examination of all of the claims in a single application would be efficient, thereby promoting the grounds for the establishment of the restriction requirement practice. Hence, it is respectfully submitted that restriction should not be required and that Applicants have traversed the restriction requirement. However, as stated above, Applicants have elected the claims of Group II and provisionally withdraw claims 4-5 and 14, without prejudice, pending reconsideration of the restriction requirement.

The Commissioner is authorized to charge any fee or credit any overpayment in connection with this communication to our Deposit Account No. 11-1449.

The application is now in condition for allowance, which allowance is respectfully solicited.

Respectfully submitted,

KOHN & ASSOCIATES, PLLC

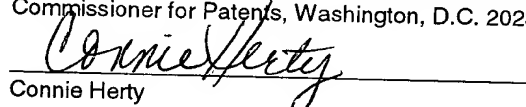


Amy E. Rinaldo  
Reg. No. 45,791  
30500 Northwestern Highway  
Suite 410  
Farmington Hills, Michigan 48334  
(248) 539-5050

Dated: November 25, 2002

**CERTIFICATE OF MAILING**

I hereby certify that this correspondence is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" addressed to the Assistant Commissioner for Patents, Washington, D.C. 20231 on November 25, 2002.

  
Connie Herty